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Cerneau Masonry Legal

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Grand Lodges have no authority over the "Cerneau" Rite nor any legal right to prohibit Master Masons from becoming members thereof.

THE CELEBRATED GOODALE LODGE
INJUNCTION CASE.

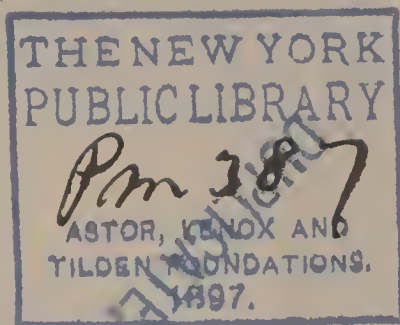
DECISION IN FULL

BY ALL THE

JUDGES OF THE CIRCUIT COURT OF FRANKLIN COUNTY, OHIO.

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"PRELIMINARY SKETCH"

—OF THE—

Great Conspiracy against the Peace of The Grand Lodge of Ohio.

It is a matter well known that from the early part of the present century there have existed and do now exist in this country several supreme bodies of what is known as the Ancient Accepted, or Ancient Accepted Scottish Rite, that have been and are antagonistic to each other. These bodies are more familiarly known by the name of the jurisdictions they claim, and are sometimes designated by the names of their founders.

The Ancient Accepted Rite for the United States of America their Territories and Dependencies, but more familiarly known as the *United States Jurisdiction*, and sometimes designated by its opponents as the "Cerneau Rite," was founded in New York City in 1807 by the Ill. Joseph Cerneau, a Frenchman, assisted by the Governor of the State, the Hon. De Witt Clinton, the Mayor and other officials of the city, and the officers of the State Grand Lodge F. & A. M., and its jurisdiction extended, as its title indicates, over all the states and territories.

The Ancient Accepted Scottish Rite for the Northern Jurisdiction of the United States of America, but more familiarly

known as the *Northern Jurisdiction*, and sometimes designated the "De la Motta Rite," was founded in New York city in 1814, by Immanuel de la Motta, a Jew, and its claimed jurisdiction extended over the states north of Maryland and the Ohio river and east of the Mississippi river.

These two supreme bodies mentioned, have been and are in rivalry with each other on the question of jurisdiction, but all fair minded well informed Masons admit that in point of time of establishment, 1807, the *United States Jurisdiction*, possesses a rightful occupancy of the territory it claims, while its antagonist, the *Northern Jurisdiction*, being founded in 1814, is considered a squatter on the territory of its predecessor.

One of the requirements for membership in the aforementioned Rites is that every applicant must be a Master Mason, but this requirement does not carry with it any real or supposed official connection with a Master Masons' Lodge. They are entirely distinct and foreign to each other. Were it not so, it would naturally follow that the Master Mason's first three degrees would be subject to the control and authority of the Scottish Rite of 33 degrees, an authority that no Master Mason would for a moment admit. The reader will bear this requirement in mind as it will fully explain why the leaders of the De la Motta Rite, acting as Master Masons, plotted for and obtained control of the Grand Lodge of Ohio, and misled it into approving their unlawful edicts and resolutions, under penalty, prohibiting Master Masons from becoming or remaining members of the United States Jurisdiction.

It is a fact susceptible of proof at every step, which every Mason can verify by referring to the records, that the Northern Jurisdiction, or the De la Motta body, since its creation in 1814 has always been the aggressor, and the cause of dissension in Masonry, and the originator and continual agitator of the present difficulty in the Grand Lodge of Ohio.

In 1815, the year following the creation of this unlawful body, De la Motta sought to create trouble by sending the following communication to the Grand Lodge of Ohio. (See Proc. 1815, Vol. 1, page 64-65.)

"The Grand Master read to the Grand Lodge a communication which he had received from Immanuel De la Motta of New York, which, from its interesting contents, was referred to a committee of Brothers Tupper, Burnet, and Tod to report their opinion."

"The Committee appointed to take into consideration the communication of Immanuel de la Motta, made the following report, which was adopted:"

"The committee to whom was referred a communication to the M. W. Grand Lodge of Ohio, purporting to have been issued by Immanuel de la Motta, K.H.S.P.R.S. Sovereign Grand Inspector General of the thirty third degree, and Illustrious Treasurer General of the Holy Empire in the United States of America, have attended to the duties required of them and respectfully report, that the evidence in their possession is of that uncertain kind, that even a fixed belief cannot be predicated on it. The controversies between De la Motta and the accused Cerneau, the Committee can feel no justifiable interest in. Both are strangers as well as their abettors. Their jarrings are too sublimated for our understandings. The committee beg leave to recommend the following resolution:

Resolved. That the communication to this Grand Lodge made by Immanuel de la Motta, etc., etc., denouncing a certain Joseph Cerneau as an impostor, etc., dated September, 1813, does not furnish a proper subject for this Lodge to act on, otherwise than to permit it to remain on file.

Respectfully,

GEORGE TOD,
EDW. W. TUPPER.

The above summary dismissal by the Grand Lodge of "De la Motta, K.H.S.P.R.S. Sovereign Grand Inspector General of the Thirty Third Degree, Illustrious Treasurer General of the Holy Empire, etc.. etc.," placed the Grand Lodge on record on *non intervention* in the affairs of foreign rites and established a wise *precedent* which should have been sacredly preserved for all time and which was productive of the most happy results. Peace and prosperity reigned.

In 1883, E. T. Carson 33rd Degree, Sovereign Grand Inspector General of the Holy Empire, and Deputy for the Northern Jurisdiction, De la Motta body in Ohio, introduced and secured the passage of a resolution in the State Supreme governing body of the Order of Knights Templars recognizing his Nor. Jur. Rite. (See Proc. G. C. O. 1883.) which was the cause of the arbitrary arrest of Charters of Commanderies and expulsion of worthy Templars for no other cause than that of being members of the United States Jur. Rite. This modern crusade against mans *natural right*—his *private opinion* and his *conscience*—utterly failed to hinder the onward march of Truth

and Right. The only hope remaining was to capture the Grand Lodge and ignore the Ancient Landmarks, and the Ancient Constitutions, and violating the contract made between the Lodge and its members upon their reception into the Order, to cause to be adopted therein such stringent and penal legislation as would prevent Master Masons from becoming or remaining Members of the U. S. Jur. Rite.

In 1884, E. 't'. Carson 33rd degree attempted to introduce a resolution in the Grand Lodge of Ohio against the Rite of Memphis, a rite just as foreign to the Grand Lodge as the U. S. Jur. Rite, but the attempt was defeated by an overwhelming majority. Result. Peace and prosperity still reigned.

The conspirators were not discouraged. Other tactics must be adopted. To succeed, it was necessary to move slow but sure. The offices in the Grand Lodge must be all filled by members of the De la Motta Holy Empire before the Master Masons and their Grand Lodge could be controlled and manipulated in the interests of the Nor. Jur. Rite. The offices were secured. The Holy Empire was discreet.

In 1886, the second move of the conspirators was made. Samuel Stacker Williams, then a 32nd now a 33rd of the Nor. Jur. De la Motta Rite, acting in his capacity of Grand Master of the Grand Lodge of Ohio, gratuitously and without cause or reason issued orders to the lodges in the State forbidding them to occupy halls jointly with the U. S. Jur. (See Proc. 1886.) This notwithstanding the fact that the U. S. Jur. had not asked permission of him or anybody else to occupy halls jointly with blue lodges. But, it was a part of the program of the Conspiracy which must be carried out.

In 1887 the third move was made. After much travail Williams was delivered of another monstrosity known as decision No. 4, in which he claimed that some members of the U. S. Jur. had asked him if their own rite was "regular and legal," or irregular and illegal (what nonsense,) and that he had decided it to be "irregular, illegal, and unmasonic and ought not to be countenanced, or recognized in any manner, by Brethren under obedience to this Grand Lodge."

This absurd decision of Williams was remarkable in view of the fact that living witnesses are ready to make oath that he (Williams) was the first person to call their attention to the U. S. Jur., and its claims, and to its legal and regular character, and thus to bring about its establishment in Ohio, that he was present in Columbus at the time of its establishment in that city, and gave as his reason for not taking part therein that he was then a prospective candidate for Grand Master.

It is unnecessary to state here all the methods by which Williams and his co-conspirators succeeded in having the Grand Lodge approve his acts and decisions: they are too well known. Two instances may be cited. First, At the session held at Dayton, E. T. Carson 33rd degree, Deputy for the Nor. Jur. Rite, flooded the Grand Lodge with a circular in which he offered to bet money denying the truth of an "Address to the Masons of Ohio," published by the U. S. Jur., and promising to publicly refute the same, in order to influence the vote of the delegates. Carson has never fulfilled that promise. It is believed that he never will as the truth and evidence is against him. Second, the records show that the Committees in the Grand Lodge to whom Williams and his followers referred their acts for approval and recommendation were packed with 33rd and 32nd degree members of the De la Motta—Nor. Jur. Rite.

In 1888, at Toledo, the fourth move of the conspirators was made. Judge Long, a member of the Nor. Jur. Rite, and then Deputy Grand Master of the Grand Lodge was defeated for *Grand Master* because he was in favor of non-intervention and opposed to the conspiracy. Leander Burdick a 32nd of the Nor. Jur., was elected over him. The disgraceful scenes that occurred in the Grand Lodge room are too well known to need repeating here, but these were a fitting prelude to what followed near the close of the session when many of the delegates were homeward bound. The following preamble and resolutions were introduced and adopted:

Whereas, This Grand Lodge at its annual communication in October, 1887, declared the bodies calling themselves the Ancient Accepted Scottish Rite for the United States of America its territories and dependencies, and commonly called the Cerneau Rite, to be irregular, illegal, and unmasonic, and that they ought not be countenanced or recognized in any manner by brethren under obedience to this Grand Lodge and,

Whereas, Brethren subordinate to the authority of this Grand Lodge are still selling and conferring the Cerneau and other degrees pronounced to be irregular, to Master Masons in this Jurisdiction, and are thereby violating the laws of this Grand body; therefore be it

Resolved, That any Mason subordinate to this Grand Lodge who shall hereafter take or receive or communicate, or be present at or assist any one to take or apply for said degrees, or any of them, shall be subject to expulsion from all the rights and privileges of Masons, after due trial under the code.

Every sensible Mason knows, as well as its authors, that the above preamble and resolution is unquestionably wrong and unlawful and no Master Mason is bound to obey them any more than he could comply with a similar resolution prohibiting him from affiliating with his church, his Odd Fellows, or his political party. The Grand Lodge practically decided the same question in 1815, (See Proc. 1815.) when it refused to entertain De la Motta's communication. Besides, it is prohibited by the Ancient Landmarks, is in violation of universal Masonic law and every Master Mason's natural right.

Having complete control of the official machinery of the Grand Lodge, and under the cloak of all their unlawful partisan edicts, decisions and resolutions, the conspirators and their adherents proceeded to consummate their plans and wreak their unholy revenge upon their rivals. Time and space will not permit a detailed statement of the various illegal acts and outrages perpetrated upon the Master Masons of Ohio, of Charters arrested and lodges destroyed; Masters and Wardens lawfully elected to office deposed; the universal right of visitation, an ancient landmark of the order, prohibited; demits to members of lodges *not* under charges and dues paid, refused; Masons expelled without trial; new and strange test oaths created to operate in behalf of the Nor. Jur. Rite; Masons of other state Jurisdictions arbitrarily expelled without any notice, hearing, or trial whatever, and their names published to the world at the expense of the Master Masons of Ohio, in the Proceedings of the Grand Lodge—a criminal libel; and a system of espionage and terrorism, degrading and despicable, established to detect and punish Master Masons who might refuse to surrender their manhood and natural rights and violate their obligations to other societies at the bidding of the modern inquisition of the De la Motta Holy Empire.

For several years prior to Nov. 1887, Goodale Lodge No. 372, of Columbus, O., was officered and ruled by brethren who were also members of the United States Rite, the Order of Odd Fellows, Knights of Pythias and many other secret and religious organizations. During that time the lodge was exceedingly prosperous and harmonious. Not a word or act pertaining to the Scottish Rite embroglio was allowed within the Lodge. Every member, no matter what society he belonged to outside of the Master Masons Lodge, met upon the level and parted on the square. Peace, prosperity, and harmony reigned.

At the annual election held in Nov, 1887, by means of personal electioneering and solicitation, officers were elected who were also members of the Nor. Jur. De la Motta Scottish Rite. In January, 1888, the peace and harmony of the lodge was broken. At a regular meeting, without warning, D. N. Kinsman, Tiler-elect of the lodge and a 33rd. member of the Northern Jurisdiction Scottish Rite perferred the following charges and specifications against 38 members of the lodge:

*To the Worshipful Master Wardens and Brethren of Goodale Lodge No. 372,
F. & A. M.*

I charge each and all of the following named Brethren, members of Goodale Lodge, No. 372, F. & A. M., with unmasonic conduct :

I. C. Aston, F. H. Breyfogle, A. B. Broes, B. M. Brooke, Ira Crum, O. M. Evans, A. W. Field, C. D. Firestone, James Geisinger, Martin Gemuender, C. H. Good, Wm. A. Hershiser, Lewis Huffman, J. C. Kroesen, R. W. Linen, Albert Lowery, J. W. McCord, F. B. McElhinney, B. L. Maynard, C. C. Neff, J. H. Outhwaite, Isaac B. Potts, James R. Pyne, J. A. Sanders, Jr., C. H. Schofield, E. D. Schofield, L. W. Sherwood, C. H. Simmer, Clare L. Smith, M. P. Smith, P. W. Snyder, C. E. Turner, W. C. Turner, W. T. Wells, E. C. Wentworth, Edward West, William O. Jones, George F. Clarke.

SPECIFICATION No. I.

They, the above named Brethren, members of Goodale Lodge, F. & A. M., 372, are guilty of unmasonic conduct, in that they are members of the Ancient and Accepted Scottish Rite for the United States of America, its Territories and Dependencies, otherwise known as the "Cerneau bodies of the Ancient and Accepted Scottish Rite;" which bodies, or rite, the Grand Lodge of Ohio, F. & A. M., declared, on October 26, 1887, "irregular, illegal and unmasonic, and ought not to be countenanced, or recognized in any manner, by Brethren under obedience to the said Grand Lodge of Ohio," of which action of said Grand Lodge said Brethren have full knowledge, and have had full knowledge thereof, since said 26th of October, 1887.

SPECIFICATION No. II.

The above named Brethren, members of Goodale Lodge, F. & A. M., are guilty of unmasonic conduct, in that they are members of a Lodge known as Columbus Lodge of Perfection, a Lodge which is called masonic, not working under the authority or subject to the control of the Grand Lodge of Ohio; and the said Columbus Lodge of Perfection is, therefore, clandestine, and the above named Brethren are therefore in contempt of the said Grand Lodge of Ohio.

SPECIFICATION No. III

They, the above named Brethren, members of Goodale Lodge, F. & A. M., are guilty of unmasonic conduct, in that they have since the 26th day of October, 1887, at divers times, the dates of which are unknown to the complainant, and at places to him unknown, solicited and urged members of Goodale Lodge, whose names are to the complainant unknown, and members of other Masonic Lodges, whose names are to the complainant unknown, to unite with Columbus Lodge of Perfection and the Ancient Accepted Scottish Rite for the United States of America, its Territories and Dependencies, otherwise known as Cerneau bodies of the Ancient Accepted Scottish Rite, which Rite the Grand Lodge of Ohio declared, on the date above mentioned, to be "irregular, illegal and unmasonic, and ought not to be countenanced, or recognized in any manner, by Brethren under obedience to the said Grand Lodge of Ohio," which solicitation was, by said Brethren and members of Goodale Lodge, made and done by them with full knowledge of the aforesaid decision and declaration of the Grand Lodge of Ohio, made on the 26th day of October, 1887, as aforesaid.

SPECIFICATION No. IV.

They, the above named Brethren, members of Goodale Lodge, F. & A. M., are guilty of unmasonic conduct, in that they have disobeyed and held in contempt the decision of the Grand Lodge of Ohio, which declared, October 26, 1887, that the bodies of the Ancient and Accepted Scottish Rite for the United States of America, its Territories and Dependencies, otherwise known as the Cerneau bodies of the Ancient and Accepted Scottish Rite, are "irregular, illegal and unmasonic, and ought not to be countenanced, or recognized in any manner, by Brethren under obedience to said Grand Lodge of Ohio," by retaining, and continuing to the present time, and with full knowledge of the aforesaid decision of the Grand Lodge, their membership in the said irregular, illegal and unmasonic bodies, thereby countenancing and recognizing them, and lending their support to them.

SPECIFICATION No. V.

They, the above named Brethren, members of Goodale Lodge, No. 372, Free and Accepted Masons, have willfully and knowingly conspired against the peace and harmony of the Grand Lodge of Ohio, F. and A. M., by refusing to obey the edicts of said Grand Lodge of Ohio, F. and A. M., which they each have sworn to do, by countenancing and recognizing and adhering, to the present time, to the so-called Supreme Council of the United States of America, its Territories and Dependencies, otherwise known as the "Cerneau bodies of the Ancient and Accepted Scottish Rite,"

after the said Grand Lodge of Ohio, F. and A. M., as they well know, has declared that said bodies are "irregular, illegal and unmasonic, and ought not to be countenanced or recognized in any manner by brethren under obedience to the said Grand Lodge."

SPECIFICATION No. VI.

Wm. A. Hershiser, James C. Kroesen, Ira Crum, Clare L. Smith, Edward West, Martin Gemuender, E. C. Wentworth, M. P. Smith, Joseph W. McCord, F. B. McElhinney, C. D. Firestone, C. C. Neff, Joseph H. Outhwaite, A. B. Broes, each and all being members of Goodale Lodge, Free and Accepted Masons, and owing obedience to the constitution, laws, edicts and decisions of the Grand Lodge of Ohio, are guilty of unmasonic conduct, in that they have been concerned in the publication of a certain pamphlet or programme, calling a meeting of the bodies of the Ancient Accepted Scottish Rite for the United States of America, meaning thereby the "Cerneau bodies of the Ancient and Accepted Scottish Rite," for the purpose of conferring the grades from fourth to thirty-second, January 10th and 11th, 1888, at the Masonic Cathedral 160 South Third street, Columbus, Ohio, by which the said brethren have been disobedient to the Grand Lodge of Ohio, which declared October 26, 1887, the said bodies of the Ancient and Accepted Scottish Rite for the United States of America, its Territories and dependencies, otherwise known as the Cerneau bodies of the Ancient Accepted Scottish Rite, to be irregular, illegal and unmasonic, and ought not to be countenanced or recognized in any manner by brethren of obedience to the said Grand Lodge of Ohio; of which decision of the Grand Lodge they each and all had full knowledge at the time said publication was issued. D. N. KINSMAN.

Every Master Mason is respectfully requested to carefully read the above Charges and Specifications. They are monumental evidences, for future generations, of the truth of this pamphlet, and the "last ditch" resort of the De la Motta Holy Empire.

The accused brethren were summoned to answer at a future meeting at which they were all present with their attorneys. Riley M. Gilbert, the Master elect of the lodge and a 32nd. of the Nor. Jur. presided. A motion, duly seconded, was made to quash or dismiss the charges which Gilbert refused to entertain or put, which was a clear violation of law and the rights of the accused. Gilbert also refused to allow the accused separate trials or to vote on questions other than their own, another violation of law and right. Gilbert also refused to permit the Attorney for one of the accused to take short hand notes of the proceedings for the benefit of his client.

On being asked to plead, it was discovered that the usual

notice had not been served upon the accused by the proper person, the Tiler of the lodge, as provided by the code, and further proceedings were postponed to a future meeting so that legal service could be made. In the interim a curious spectacle was witnessed by the Craft. D. N. Kinsman, a 33rd. Sovereign Grand Inspector General of the Nor. Jur., De la Motta Scottish Rite and Tiler of the lodge, and the man who preferred the charges, tramping over the city and hunting his victims, respectable citizens and Masons, from home to home and personally serving upon them his own charges and specifications and the usual notice to appear and answer to them.

It was evident that a plot was formed, confirmed by subsequent information, to charge the accused members in a batch, try them in a batch, and thus deprive them of their votes, and in a batch secure their expulsion, which could not be accomplished in any other way. These facts dawned upon the accused members and they became convinced that all law and justice would be denied them by their persecutors, and therefore in accordance with the Ohio Masonic Code, decision No. 255, which says:

“It is not a Masonic offence to invoke the law for one’s protection.”

They applied to the civil courts for an injunction, which was granted, restraining Samuel Stacker Williams, D. N. Kinsman, R. M. Gilbert and Goodale lodge from further proceedings in the matter. The defendants filed an answer generally denying the plaintiffs petition. Plaintiffs amended their petition to which Defendants filed their answer. The plaintiffs replied and the case was then ready for trial in the fall of 1889.

At the close of the month of August 1889, the De la Motta defendants served legal notice on the U. S. Jur. plaintiffs, that they, the defendants, would on Sept. 2nd following, in the office of the Grand Secretary of the Nor. Jur., Stewart Building, New York City, take sworn testimony to be used on the trial. Promptly on that day counsel for plaintiffs were present together with witnesses and a stenographer. Eleven days were occupied in taking testimony that covered three hundred and sixty-nine pages of typewriting. Witnesses on both sides were examined,

and the claim of the United States Rite, as presented, was most clearly proven.

As a result of the taking of the New York testimony, it was clear that the Nor. Jur. defendants could not afford to have the case tried on its merits as they apparently started in to do. That testimony would convict them of the truth of what the plaintiffs charged in their petition. They came into court and asked and obtained leave to withdraw their answer and substitute a demurrer to the Jurisdiction of the Civil Courts over such cases. The question then and now before the courts is, shall the demurrer be sustained or overruled. If sustained, the Nor. Jur. defendants escape a trial of the case on its merits, and the case will be remanded to the lodge where the conspirators hope to carry out their infamous program. If overruled the case goes to trial on its merits and the truth will be publicly made known, and the controversy forever settled.

On Nov. 25, 1889, arguments on the demurrer were heard by Judge Evans of the Common Pleas Court, who, on Oct. 13, 1890, decided to sustain the demurrer, but in so doing he took occasion to say that the petition of plaintiffs was "PROPERLY PLEADED AND BY THE DEMURRER ADMITTED TO BE TRUE." At the hearing on Nov. 25, 1889, E. T. Carson, 33rd, Deputy of the Nor. Jur.—De la Motta Rite, was present. It is also understood that attorneys fees for defendants amounting to several hundred dollars, were paid from the treasury of Goodale Lodge, controlled by Nor. Jur. members. The case was appealed by plaintiffs to the Circuit Court. The Court rendered the following opinion and decision:

CERTIFIED COPY OF DECISION.

THE STATE OF OHIO, }
 FRANKLIN COUNTY, SS. }

IN THE CIRCUIT COURT.

WM. A. HERSHISER, ET AL, }
Plaintiffs. }
against }
 S. STACKER WILLIAMS ET AL, }
Defendants. }

January Term.

Jan. 19th 1892

Certified Copy of Decision.

DECISION ON DEMURRER TO THE PETITION AS AMENDED.

Assuming the truth of the allegations of fact contained in the petition, *it is clear that the controversy between the De la Motta and Cerneau bodies does not in any way concern Ancient Craft Masonry; that the action of the Grand Lodge prohibiting membership in the Blue Lodges by those who are members of a Cerneau body was not prompted by any consideration of the interests of the Symbolic Lodges; and that the charges upon which the plaintiffs are about to be tried with a view to their expulsion from Goodale Lodge, do not allege against them any conduct inconsistent with honorable and faithful membership in that Lodge.*

It is equally clear that by becoming or remaining members of Cerneau bodies after said action by the Grand Lodge the offenses of the plaintiffs *were several and not joint.* But the allegations that the defendants expect to succeed in the effort to expel the plaintiffs by depriving them of their right to vote upon the question, in cases other than their own, *contrary to natural right and the rules of the order,* and that some of them have announced their intention to do so, do not warrant the interference of a Court of equity.

We must presume that the trial of the plaintiffs will be in accordance *with natural right and the rules of the order,* and that they *will not be expelled for disregarding any requirement which the Grand Lodge had no authority to make.* Should the trial result otherwise, it will be the duty of the plaintiffs to resort to such modes of redress as may be had in the Judicatories of the order. This doctrine was held by this Court in the case of Kent vs The Odd Fellows Beneficial Association. It is sustained by the following authorities:

Gregg et al, vs The Mass. Med. Soc. 111 Mass. 185. McAlees vs Supreme Sitting etc. 13 Atlantic R. 755, 129 Mass. 70.

For this reason the demurrer will be sustained. Judges Clark and Smith concur in this decision.

SHAUCK, J.

THE STATE OF OHIO, }
 FRANKLIN COUNTY, SS. }

I, Wm. H. Simonton, Clerk of the Circuit Court, within and for said county, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio to be kept, hereby certify that

the foregoing is taken and copied from the original decision and that said foregoing copy has been compared by me with the original decision and that the same is a correct transcript thereof.

In testimony whereof, I do hereto subscribe my name officially, and affix the Seal of said Court at the Court House in Columbus, in said County, this 5th day of February, A. D. 1892.

{ SEAL }

WM. H. SIMONTON,
Clerk.
By TOM. L. REES,
Deputy.

By this decision the Court has authoritatively settled for all time the following points of this controversy :

1st. "It is clear that the controversy between the De la Motta and Cerneau bodies does not in any way concern Ancient Craft Masonry." It therefore naturally follows that all the acts of the Grand Lodge taken in behalf of the De la Motta against the Cerneau bodies are null and void and of no effect whatever.

2nd. "That the action of the Grand Lodge prohibiting membership in the Blue Lodge by those who are members of a Cerneau body was not prompted by any consideration of the interests of the Symbolic Lodges." This point confirms and sustains the first, and may be considered a stinging rebuke to the Nor. Jur. conspirators who misled the Grand Lodge into its present unlawful and unenviable attitude.

3rd. "That the charges upon which the plaintiffs are about to be tried with a view to their expulsion from Goodale Lodge, do not allege against them any conduct inconsistent with honorable and faithful membership in that Lodge." This point sustains the first two. A Master Mason can be a member of the "Cerneau Rite" and still be an honorable and faithful member of his Blue Lodge, the Odd Fellows, his church or similar societies. The principle laid down is in conformity with justice and equity.

4th. "By becoming or remaining members of Cerneau bodies after said action by the Grand Lodge the offenses of the plaintiffs were several and not joint." This point confirms to the accused members of Goodale Lodge what they asked for and were denied, as well as to every man and mason his lawful and natural right to a separate trial for an alleged offense.

5. "We must presume that the trial of the plaintiffs will be in accordance with natural right and the rules of the order, and that they will not be expelled for disregarding any requirement which the Grand Lodge had no authority to make." This point not only confirms and sustains all the others, but goes a step farther. Master Masons cannot be rightfully expelled from their lodges "*for disregarding any requirement which the Grand Lodge had no authority to make.*"

The above points embody and confirm all that the accused members of Goodale Lodge have ever contended for and is a complete justification of their course in applying to a Court of Equity for relief.

The question has been asked, Why not apply for the same relief to the Judicatories of the Order? The answer is plain and to the point. The only Judicatory that the accused members could appeal their case to, was the Grand Lodge, and that body, as a Board of Arbitrators, or a superior court completely under the control of their enemies of the De la Motta body, had already become biased, had expressed an opinion, had prejudged the case by adopting proscriptive legislation against the accused brethren and the Order to which they belonged. To appeal their case to such a Board of Arbitrators would have been a parody on justice. Besides, as already quoted, the Grand Lodge itself has said. "It is not a Masonic offense to invoke the law for one's own protection." (See decision 255-Code.)

The principles and natural rights involved in this action do not concern alone the accused members of Goodale Lodge. The same principles and natural rights belong to every Master Mason. It is the struggle for Masonic *Magna Charta*.

The accused brethren have always said that the Scottish Rite controversy was a matter that did not concern, or come under the authority of the Grand Lodge or any of its subordinates. This doctrine was established by the Grand Lodge itself in 1815 when it refused to entertain De la Motta's communication. The principle and precedent of non-intervention then adopted and established by the fathers of our Grand Lodge was the only safe and sure preventive of the evils that now dis-

tract and disturb the peace and harmony of Masonry in Ohio. The Grand Lodge of the Empire State and a majority of the other Grand Lodges that hold to the principle of non-intervention are shining examples of the truth of that doctrine. In those states Master Masons who are members of both the Cerneau and De la Motta bodies work together for the interests of Ancient Craft Masonry. They meet in their Blue lodges upon the Level and part upon the Square. Harmony and Peace are within their Jurisdictions.

The accused members of Goodale Lodge always contended that they were as true, honorable and faithful Master Masons after they became members of United States Jurisdiction Rite as they were before becoming members thereof. The records of their lodge as well as the decision of the Court will confirm this statement. They have never been the aggressors or disturbers of the peace, or a party to any cabal or scheme to disturb the harmony of Ancient Craft Masonry. They can point with pride and satisfaction to their record in this behalf. For many years they have borne the burden of a greivous proscription and persecution instigated by their misguided opponents, believing it was better to suffer wrong than to do wrong. They feel assured that when Time with his healing touch shall have laid to rest the fell spirit of *intolerance, persecution* and *partisan-fanaticism*, future generations will applaud and commend their actions.

Oppression shall not always reign,
There comes a brighter day,
When Truth released from Errors thrall,
Shall once again have sway.

THE REMEDY.

In view, then, of the fact that the Court has affirmed the propositions contended for by the brother Masons who are members of the Cerneau bodies, and has declared that the controversy between the rival Scottish Rites does not in any way concern Ancient Craft Masonry, that this proscription is not in the interests of free masonry, that to be a member of Cerneau bodies is not inconsistent with faithful and honorable membership in their Master Masons lodges, the manifest duty of all good

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masons is to fall in line with these principles and bring back Masonry to its true position, that of non-intervention in Rites or organizations outside of itself. It is the plain duty of the Grand Master to issue a communication to the Lodges of Ohio, announcing to them that, under the decision of the courts, to belong to the Cerneau bodies is not inconsistent with honorable and faithful membership in the subordinate lodges and therefore does not constitute a masonic offence, and hence, does not subject a mason to punishment. That therefore all charges based upon membership in the Cerneau bodies should be dismissed because they charge no masonic offence. Such an announcement is the necessary sequence of the courts decision, and the true logic of the situation. In no other way can the Grand Master so grandly serve the best interests of Masonry. Such action would expel confusion and strife and install Peace, Prosperity and Good-will among the Craft in Ohio.

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